

REMARKS

Initially, in the Office Action dated December 29, 2003, the Examiner rejects claims 1 and 3 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,175,759 (Metroka et al.) in view of U.S. Patent No. 6,311,076 (Peuhu et al.). Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Metroka et al. in view of Peuhu et al. and U.S. Patent No. 6,215,993 (Ulveland). Claims 4-7 and 10-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Metroka et al. in view of Peuhu et al. and EP 0 647 037 A1 (Nagai).

By the present response, Applicant has amended claim 11 to further clarify the invention. Claims 1-7 and 10-14 remain pending in the present application.

35 U.S.C. §103 Rejections

Claims 1 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Metroka et al. in view of Peuhu et al. Applicant respectfully traverses these rejections.

Metroka et al. discloses a portable radio telephone with a keypad, alphanumeric character display and hands free function. A moveable flip element of the housing covers a keypad and other control buttons when in a closed, on-hook position and activates the illumination of the keypad, enables the display, and enables the hands free function when in an open, off-hook position. The duration of keypad illumination and display activation are timed to reduce battery drain and the hands free function may be deactivated with a hookswitch flash.

Peuhu et al. discloses a mobile communication device that has a housing containing battery and electronic component compartments. Located along a central axis of the housing is a spring mounted roller to which is attached a flexible liquid crystal display. The housing contains a compartment between the roller and the outer wall of the housing for storing the display in a retracted position. An elongate slot extends axially along the housing such that the display can be pulled through the slot by a user to a withdrawn position in which the display is visible to the user.

Regarding claim 1, Applicant submits that neither Metroka et al. nor Peuhu et al., taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, a radio telephone handset that includes a cover moveable between a closed position and an open position in which the keypad is accessible to the user, or means for lighting the display and keypad to an extent limited by the position of the cover. The Examiner asserts that Metroka et al. discloses a cover moveable between a closed position and an open position in which the keypad is accessible to the user and means for lighting the display and keypad in response to the position of the cover at col. 9, lines 54-60 and Fig. 1. However, this portion of Metroka et al. merely discloses that the radio telephone has the capability of enabling and disabling hands free circuitry, number display and keypad illumination in response to the position of a flip element. Metroka et al. discloses an LED display, but does not disclose or suggest separately a display and a means for lighting the display, as recited in the claims of the present application. Metroka et al. discloses a cover which controls the

activation of the LED display, however, Metroka et al. does not disclose or suggest that when the display is activated it is also illuminated. Metroka et al. discloses keypad illumination, however, Metroka et al. does not disclose illumination or backlighting of the display, as recited in the claims of the present application. The mere activation of the LED display and keypad backlighting by the position of the cover is not a cover moveable between a closed position and an open position with means for lighting the display and keypad to an extent limited by the position of the cover, as recited in the claims of the present application. Metroka et al. merely discloses keypad backlighting and display being activated (see Col. 9, lines 27-30).

The Examiner admits that Metroka et al. does not disclose or suggest lighting the display and keypad to an extent limited by the position of the cover but asserts that Peuhu et al. discloses these limitations at col. 4, lines 32-35. However, this portion of Peuhu et al. merely discloses backlight being supplied to the segments of the display in sequence as they appear. Peuhu et al. does not disclose or suggest a moveable cover with a closed position and an open position, as recited in the claims of the present application. Further, Peuhu et al. discloses that the display may be provided with one or more touch sensitive elements (see col. 1, lines 66-67). In contrast, the claims of the present application recite a keypad and lighting means for lighting the keypad. A touch sensitive screen as disclosed in Peuhu et al. is not a keypad as recited in the claims of the present application, therefore, Peuhu et al. does not disclose or suggest a keypad or a lighting means for lighting the keypad as recited in the claims of the present application. In addition, Peuhu et al. does not

disclose or suggest a moveable cover or a keypad and therefore does not disclose or suggest a moveable cover limiting the extent of illumination of the keypad and the display, as recited in the claims of the present application.

Moreover, Applicant submits that one of ordinary skill in the art would have no motivation to combine Metroka et al. with Peuhu et al. in an attempt to achieve the claimed invention. Specifically, this combination is impractical since Metroka et al. discloses a communication device with moveable element control interface comprising a flip element of the housing that covers a keypad, whereas Peuhu et al. discloses a mobile communication device that includes a display that is moveable between a retracted position within a housing to an in use position where the display is visible to a user. The device in Metroka et al. and the device in Peuhu et al. have completely different housings that are incompatible with each other. One has a flip element moveable to cover the keypad whereas the other has a display that can be covered via a slidable mechanism. One of ordinary skill in the art would have no motivation to combine the teachings of Metroka et al. with the teachings of Peuhu et al. Further, this combination fails to achieve the limitations in the claims of the present application.

Regarding claim 3, Applicant submits that this claim is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. For example, Applicant submits that none of the cited references disclose or suggest that when the cover is in the closed position, all keys of the keypad, but not the display, are obscured by the cover, and when the

cover is in a closed position, the lighting means can provide lighting to only the display.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1 and 3 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Metroka et al., Peuhu et al. and Ulveland. Applicant respectfully traverses this rejection.

Ulveland discloses a mobile phone with a moveable cover that allows a user to preview caller ID information on a display that is normally concealed by the cover. The user can open the cover to a preview position without accepting the call and then to a fully open position to accept the call after the caller ID information has been previewed. The phone delays accepting the incoming call after the cover is opened to give the user time to review the caller ID information and decide whether to answer the call.

Applicant submits that claim 2 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. For example, Applicant submits that none of the cited references disclose or suggest when the cover is in the closed position, the display and all the keys of the keypad being obscured by the cover, when the cover is in the closed

position the lighting means not being operable to provide any lighting. Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 2 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claims 4-7 and 10-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Metroka et al. over Peuhu et al. and Nagai. Applicant respectfully traverses these rejections.

Nagai discloses a portable radio apparatus that includes a first housing body having at least a key operation pad with a plurality of keys, a second housing body connected to the first housing body in such a manner that they are freely opened and closed with each other. The key operation pad of the first housing body is covered with the second housing body when necessary. The second housing body is provided with an opening or a push button so that at least one key is operated in a state in which the first and second housing bodies are closed.

Regarding claims 7, 10 and 11, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, a radio telephone handset where a user input interface lighting is activated only for those portions of the user input interface which are not hidden by the cover as determined by a detected estimate of the position of the cover, lighting means for lighting the display and keypad in dependence upon the position of the cover where

when a portion of the keypad is hidden by the cover, the lighting means is operable only for those portions of the keypad that are not hidden by the cover as determined by an estimate of the position of the cover, or lighting means for lighting and displaying the keypad, in dependence upon the position of the cover where when the cover is at a first position, the lighting means is operable to illustrate a first portion of the keypad and the display while a second portion of the keypad remains without illumination, and when the cover is in a second position, the lighting means is operable to illuminate the first and second portions of the keypad and the display.

As noted previously, neither Metroka et al. nor Peuhu et al. disclose or suggest these limitations in the claims of the present application. The Examiner asserts that Nagai discloses a cover that when in a closed position has some but not all of the keys of a keypad obscured by a cover at col. 2, lines 10-14. However, this is not a user input interface lighting being activated only for those portions of the user input interface which are not hidden by the cover as determined by a detected estimate of the position of the cover, as recited in the claims of the present application. None of the cited references taken alone or in combination disclose or suggest input interface lighting being activated only for certain portions as determined by a detected estimate of the position of the cover.

Moreover, as noted previously, Metroka et al. merely discloses a cover that controls the activation of the LED display, however, Metroka et al. does not disclose or suggest that when the display is activated it is also illuminated. Metroka et al. discloses keypad illumination, however, Metroka et al. does not disclose illumination

or backlighting of the display, as recited in the claims of the present application.

Further, as noted previously, Peuhu et al. merely discloses backlight being supplied to the segments of the display in sequence as they appear. Peuhu et al. does not disclose or suggest a moveable cover with a closed position and an open position, as recited in the claims of the present application. Further, Peuhu et al. discloses that the display may be provided with one or more touch sensitive elements in contrast to a keypad, as recited in the claims of the present application.

Regarding claims 4-6 and 12-14, Applicant submits that these claims are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Applicant submits that none of the cited references disclose or suggest when the cover is in a closed position, some but not all of the keys and not the display being obscured by the cover, when the cover is in the closed position, the lighting means can light only the display and those keys of the keypad not obscured by the cover.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 4-7 and 10-14 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-7 and 10-14 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 09/718,498

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1156.43038TRN).

Respectfully submitted,

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